

Please Direct All Correspondence to Customer Number 20995

TERMINAL DISCLAIMER UNDER 37 CFR § 1.321(d)

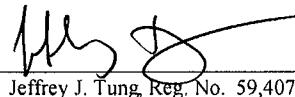
Applicant : Jeffrey A. Bibbs, et al.
App. No. : 10/527,430
Filed : March 9, 2005
For : CALCIUM CHANNEL BLOCKERS
Examiner : Betton, Timothy E.
Art Unit : 1617
Conf No. : 5428

CERTIFICATE OF EFS WEB TRANSMISSION

I hereby certify that this correspondence, and any other attachment noted on the automated Acknowledgement Receipt, is being transmitted from within the Pacific Time zone to the Commissioner for Patents via the EFS Web server on:

May 5, 2010

(Date)



Jeffrey J. Tung, Reg. No. 59,407

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Disclaimer by Assignee

The assignee of the above-identified application, Diakron Pharmaceuticals, Inc. ("Assignee"), hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,852,742, and hereby agrees to waive the right to separately enforce any patent so granted on the above-identified application and U.S. Patent No. 6,852,742, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that such patent so granted on the above-identified application and U.S. Patent No. 6,852,742 are not separately enforced. This agreement extends to any patent granted on the above-identified application and shall be binding on Assignee, its successors, or assigns.

Assignee does not disclaim the terminal part of any patent granted on the above-identified application prior to the earlier of (i) the expiration date of the full statutory term of U.S. Patent No. 6,852,742 and (ii) the expiration date of the full statutory term of any patent issuing from the above-identified application, in the event that either one later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or is terminally disclaimed

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under 37 CFR § 1.321(a) has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term.

Right of Assignee and Ownership

In accordance with 37 CFR § 3.73(b), Assignee represents that it is the owner of a 100 percent interest in the above-identified application by virtue of an assignment recorded at Reel No. 022760, Frame No. 0160. The Assignee represents that, to the best of Assignee's knowledge and belief, title is in the Assignee seeking to take action.

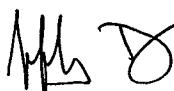
Empowerment of Attorney

Pursuant to 37 CFR § 1.321(a) the undersigned attorney of record is empowered to act on behalf of the Assignee by virtue of a Power of Attorney.

This Terminal Disclaimer is accompanied by the \$70 fee set forth in 37 CFR § 1.20(d). The Commissioner is hereby authorized to charge any deficient fee to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR LLP



Date: May 5, 2010

Jeffrey J. Tung
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